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Attorneys for Defendants  
HAROLD CARTER, RAYMOND LOERA,  
COUNTY OF IMPERIAL, AND IMPERIAL  
COUNTY SHERIFF'S DEPARTMENT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ADRIANA FERNANDEZ,  
Plaintiff,

v.

JAMES RAY MORRIS, HAROLD  
CARTER, RAYMOND LOERA,  
COUNTY OF IMPERIAL, IMPERIAL  
COUNTY SHERIFF'S DEPARTMENT,  
and DOES 1-100, inclusive,  
Defendants.

Case No. 3:08-cv-00601-H-JMA

**DEFENDANTS HAROLD CARTER,  
RAYMOND LOERA, COUNTY OF  
IMPERIAL, AND IMPERIAL COUNTY  
SHERIFF'S DEPARTMENT'S  
OBJECTIONS TO DAVID ZUGMAN'S  
DECLARATION**

Date: July 14, 2008  
Time: 10:30 a.m.  
Judge: Hon. Marilyn L. Huff  
Courtroom: 13

Defendants Harold Carter, Raymond Loera, County of Imperial ("County"), and the Imperial County Sheriff's Department (hereinafter collectively "County Defendants") hereby submit their Objections to Plaintiff's supporting evidence in opposition to the County Defendants' Motion to Dismiss.

Plaintiff submitted the Declaration of her attorney, David Zugman, in support of her June 30, 2008 Opposition. The Declaration waives the attorney-client privilege with respect to various conversations Plaintiff had with Mr. Zugman and inappropriately attempts cure the deficiencies in

1 Plaintiff's Complaint by augmenting her allegations. Accordingly, the County Defendants  
2 generally object to the Declaration to the extent it augments the allegations in her Complaint to  
3 avoid dismissal.

4 The County Defendants also object to the following paragraphs and statements in the  
5 Declaration:

6 **Paragraph 1: "I also represented Ms. Fernandez in her criminal case, *United States***  
7 ***v. Fernandez*, 07CR0964-LAB. Ms. Fernandez was released from custody on that**  
8 **case on March 15, 2008."**

9 The County Defendants object to these statements because they are irrelevant and vague.  
10 FRE 402. The Declaration does not state from where or whose custody Plaintiff was released. In  
11 addition, whether Plaintiff was released from an agency's or facility's "custody" is irrelevant to  
12 the issue of whether she is a prisoner for purposes of the Prison Litigation Reform Act.

13 **Paragraph 4: "On June 28, 2007, Ms. Fernandez called me to say that she had been**  
14 **interviewed by Sheriff Raymond Loera regarding Deputy Morris' sexual**  
15 **misconduct."**

16 The County Defendants object to this statement because it is inadmissible hearsay (FRE  
17 802) and contains improper opinion testimony (FRE 702).

18 **Paragraph 5 and 6**

19 The County Defendants object to these paragraphs because they are irrelevant. FRE 402.  
20 In addition, the County Defendants object to paragraph 5 because it is inadmissible hearsay. FRE  
21 802.

22 **Paragraph 8**

23 The County Defendants object to paragraph 8 because it is inadmissible hearsay. FRE  
24 802.

25 **Paragraph 9**

26 The County Defendants object to this paragraph because it improperly attempts to amend  
27 Plaintiff's Complaint by augmenting her allegations concerning when she filed a tort claim with  
28 the County.

**Paragraph 10**

The County Defendants object to paragraph 10 because it is irrelevant (FRE 402), contains improper opinion testimony (FRE 702), and does not establish that Mr. Zugman has personal knowledge regarding the reliability of the County's record keeping.

**Paragraph 13**

The County Defendants object to this paragraph because it improperly attempts to cure the deficiencies in Plaintiff's Complaint by augmenting her allegations concerning when she filed a tort claim with the County.

Dated: July 7, 2008

Liebert Cassidy Whitmore

By: /s/ Jesse Maddox

Jesse J. Maddox  
J. Scott Tiedemann  
Judith S. Islas  
Attorneys for Defendants  
HAROLD CARTER, RAYMOND  
LOERA, COUNTY OF IMPERIAL, AND  
IMPERIAL COUNTY SHERIFF'S  
DEPARTMENT

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**PROOF OF SERVICE**  
**STATE OF CALIFORNIA, COUNTY OF FRESNO**

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is: 5701 N. West Avenue, Fresno, California 93711.

On July 7, 2008, I effectuated service of the foregoing document described as DEFENDANTS HAROLD CARTER, RAYMOND LOERA, COUNTY OF IMPERIAL, AND IMPERIAL COUNTY SHERIFF'S DEPARTMENTS OBJECTIONS TO DAVID ZUGMAN'S DECLARATION on the following parties by electronically filing the foregoing with the Clerk of the United States District Court, Southern District of California using its ECF System, which electronically notifies them:

David J. Zugman  
 Burcham & Zugman, A.P.C.  
 964 Fifth Avenue, Suite 300  
 San Diego, CA 92101

Terry Singleton  
 Gerald Singleton  
 Singleton & Associates  
 1950 Fifth Ave., #200  
 San Diego, CA 92101

Executed on July 7, 2008, at Fresno, California.

I declare that I am employed by the office of a member of the bar of this Court at whose direction the service was made.

Susan Brown

/s/

\_\_\_\_\_  
 Type or Print Name

\_\_\_\_\_  
 Signature

LIEBERT CASSIDY WHITMORE  
 A Professional Law Corporation  
 5701 N. West Avenue  
 Fresno, CA 93711

**PROOF OF SERVICE BY OVERNIGHT DELIVERY**

I am a citizen of the United States and employed in Fresno County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 5701 N. West Avenue, Fresno, California 93711. On July 7, 2008, I deposited with Federal Express, a true and correct copy of the within documents:

DEFENDANTS HAROLD CARTER, RAYMOND LOERA,  
COUNTY OF IMPERIAL, AND IMPERIAL COUNTY  
SHERIFF'S DEPARTMENTS OBJECTIONS TO DAVID  
ZUGMAN'S DECLARATION

in a sealed envelope, addressed as follows:

Steven M. Walker  
Michael A. Driskell  
Walker & Driskell  
300 South Imperial Ave., Suite 9  
El Centro, CA 92243

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 7, 2008, at Fresno, California.

Susan Brown

/s/

Type or Print Name

Signature